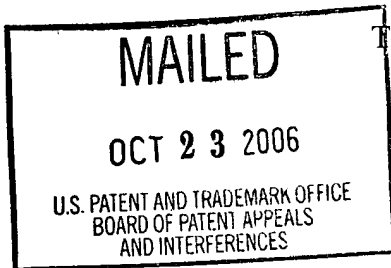


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte KENNETH A. FRANKEN,
TOUFIC MOUBARAK and JACK PERRY



Appeal No. 2006-2392
Application No. 09/681,172

ON BRIEF

Before HAIRSTON, BARRY and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

This is an appeal from the final rejection of claims 9, 16 and 20 through 24. In an Amendment After Final, claim 20 was canceled. Accordingly, claims 9, 16 and 21 through 24 remain before us on appeal.

The disclosed invention relates to an electronic programming guide that includes a plurality of linearly arranged tabs disposed along a peripheral edge of the guide. The tabs are dedicated to a plurality of available sources of programming.

Claim 9 is illustrative of the claimed invention, and it reads as follows:

9. An electronic programming guide system comprising:
a personal computer comprising a browser at a first viewer location;

a computer system at a second location, coupled to said personal computer and said browser via a computer network;

said browser displaying a guide comprising a plurality of linearly arranged tabs, where each tab is a link to one of a plurality of views of an electronic programming guide;

where each of said plurality of views is associated with one of a plurality of sources of signals;

wherein at least three of said plurality of sources of signals are broadcast TV, programming delivered over the internet, and satellite TV;

wherein said guide includes a two-dimensional array of programming cells where each cell represents a different time slot associated with a different television channel;

wherein said plurality of linearly arranged tabs is disposed on a periphery of said two-dimensional array; and

wherein each of said plurality of views is limited to sources of signals available at said first viewer location.

The references relied on by the examiner are as follows:

Lawler	5,758,259	May 26, 1998
Shoff et al. (Shoff)	6,240,555	May 29, 2001
		(filed Mar. 29, 1996)

Claims 9, 16 and 21 through 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler in view of Shoff.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 9, 16 and 21 through 24.

Lawler describes an electronic programming guide with a two-dimensional array of programming cells 100 and 104 through 106, and a plurality of linearly arranged tabs 102 disposed along a peripheral edge of the guide (Figure 3C). The first tab 112a is a time view selection block that corresponds to a time guide 100, the second tab 112b is a category view selection block that corresponds to a programming guide that lists

available programs by category, and the third tab 112c is a lineups view selection block that activates selected programming guide 80 (column 5, lines 31 through 39).

The examiner acknowledges (answer, pages 3 and 4) that Lawler does not teach “a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network,” “each of the plurality of views is associated with one of a plurality of sources of signals,” and “at least three of said plurality of sources [of] signal[s] are broadcast TV, programming delivered over the internet, and satellite.”

According to the examiner (answer, page 4), Shoff discloses all of the elements missing in Lawler. An interactive integrated PC-TV is described by Shoff in which a viewer computer 62 is connected via a first network 74 to a plurality of servers 42, 44 and 52 that can deliver different program content to the user of computer 62 (Figure 4). The viewer computer 62 is connected via a second network 82 to an Internet service provider 84 that can deliver supplemental content to the user of computer 62. The program content can be delivered to the computer 62 via broadcast TV, satellite and the Internet (column 5, lines 1 through 33). The viewer computer is configured to run and display an electronic program guide that provides an on-screen listing of programs and titles (column 4, lines 35 through 39).

Based upon the teachings of Shoff, the examiner concludes (answer, page 4) that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lawler with Shoff’s method of coupling the personal computer via a personal network in order to separate the browser from the computer system.”

Appellants argue (brief, page 9) that “[s]ince Shoff does not teach, suggest or is not even concerned with how the non-interactive content might be arranged in views based upon sources of signals, and further since the Examiner admits that Lawler also does not teach the same, then it is clear that the Lawler and Shoff references fail to establish a *prima facie* case of obviousness”

We agree with appellants’ arguments. Lawler discloses tabs along a peripheral edge of the electronic guide, but the tabs do not display “source of signals.” Shoff is capable of receiving signals from broadcast TV, satellite or the Internet, but is silent as to any display of the “sources of signals.” In the absence of such a teaching in the applied references, we agree with the appellants’ argument (reply brief, page 6) that “it is not obvious to have an EPG with tabs dedicated to each of the multiple sources” of signals. Thus, the obviousness rejection of claims 9, 16 and 21 through 24 is reversed for lack of a *prima facie* case of obviousness.

DECISION

The decision of the examiner rejecting claims 9, 16 and 21 through 24 under 35

U.S.C. § 103(a) is reversed.

~~REVERSED~~

Kenneth W. Hairston
Administrative Patent Judge

Lance Leonard Barry
Administrative Patent Judge

Howard B. Blankenship
Administrative Patent Judge

BOARD OF PATENT

APPEALS AND

REFERENCES

KWH/eld

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